

# Office of the Attorney General



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PAUL G. SUMMERS  
ATTORNEY GENERAL AND REPORTER

EXECUTIVE SECRETARY

ANDY D. BENNETT  
CHIEF DEPUTY ATTORNEY GENERAL

LUCY HONEY HAYNES  
ASSOCIATE CHIEF DEPUTY  
ATTORNEY GENERAL

MICHAEL E. MOORE  
SOLICITOR GENERAL

425 FIFTH AVENUE NORTH  
NASHVILLE, TN 37243-0485

TELEPHONE (615) 741-3491  
FACSIMILE (615) 741-2009

December 6, 2000

The Honorable  
Gary R. Hotvedt, Esq.  
Pre-Hearing Officer  
460 James Robertson Parkway  
Nashville, TN 37243

Re: Docket No. 00-00041 Petition to implement new and increase existing late payment charges

Dear Mr. Hotvedt:

In accordance with the November 28, 2000 Order Approving Joint Motion in Part and Re-Instituting Discovery Schedule Tennessee consumers are refileing their discovery request. We hereby withdraw our October 3, 2000 Discovery Requests and file these requests instead.

Since Tennessee consumers April 13, 2000 Motion to Compel is still pending, we are refileing our March 22, 2000 Discovery Requests in their entirety and are also refileing our Motion to Compel so that you may more conveniently discern the issues which need to be resolved as to those matters.

If you have any further questions regarding our filings, please do not hesitate to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "L. Vincent Williams".

L. Vincent Williams  
Deputy Attorney General

Enclosure

BEFORE THE TENNESSEE REGULATORY AUTHORITY  
AT NASHVILLE, TENNESSEE

IN RE: PETITION OF BELL SOUTH TO  
IMPLEMENT NEW AND INCREASE  
EXISTING LATE PAYMENT CHARGES

) 00 DEC 6 PM 1 03  
) Docket No. 00-00041  
) EXECUTIVE SECRETARY

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DISCOVERY REQUEST TO BELL SOUTH TELECOMMUNICATIONS

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To: BellSouth Telecommunications  
c/o Patrick Turner, Esq.  
333 Commerce St., Suite 2101  
Nashville, TN 37201-3300

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Please reply to the discovery requests provided herein by: 1) answering under oath these discovery requests and serving your answers upon L. Vincent Williams, Deputy Attorney General, or his designee at 2nd Floor, Cordell Hull Building, 425 5th Avenue North, Nashville, TN 37243; and 2) providing clear copies of the documents and things specified herein. The answer to each item should begin with the restatement of the question and should conclude with the signature and title of the person(s) responsible for answering that particular question.

Please be aware that this discovery is continuing in nature and requires the party from whom discovery is sought to provide supplemental responses if additional or different information is obtained or as may be necessary from time to time to provide the Consumer Advocate with a full, complete and current answer or response until the hearing in this docket.

INSTRUCTIONS AND DEFINITIONS

The terms "you", "your" and "yours" as used herein refer to the addressee party of these Interrogatories as well as any and all agents, employees, representatives, experts, and other persons acting or purporting to act on your behalf.

If, for any reason, you are unable to answer a discovery request fully, submit as much information as is available and explain why your answer is incomplete. If precise information cannot be supplied, submit 1) your best estimate, so identified, and your basis for the estimate and 2) such information available to you as comes closest to providing the information requested. If you have reason to believe that other sources of more complete and accurate information exist,

identify those sources.

If a document exists in different versions, including any dissimilar copies (such as a duplicate with handwritten notes on one copy, or electronic or computer versions), each version shall be treated as a different document and each must be identified and produced.

If you contend that you are entitled to refuse to fully answer any of this discovery, state the exact legal basis for each such refusal.

These discovery requests are to be interpreted broadly to fulfill the benefit of full discovery. To assist you in providing full and complete discovery, Petitioner provides the following definitional guidelines:

1. The term "person" or "persons" as used herein refers to any natural person, corporation, firm, company, sole proprietorship, partnership, business, unincorporated association, or other entity of any sort whatsoever. Where a company or organization is the party being served all responses must include the company's response. Moreover, the company's designated person for responding must assure that the company provides complete answers. *A complete answer must provide a response which includes all matters known or reasonably available to the company.* The response is not to be limited to the knowledge of the individual responding.
2. The term "document" as used herein has the full extent of its possible meaning in accordance with law, including any written, printed, typed, drawn, filmed, taped, or recorded in any manner, however produced or reproduced, including but not limited to any writing, drawing, graph, chart, form, photograph, tape recording, computer disk or record, or other data compilation in any form. This definition shall also mean all copies of documents by whatever means made including any nonidentical versions or drafts (whether different from the original because of handwritten notes, underlining, highlighting, or otherwise).
3. The terms "and" and "or" shall be construed conjunctively or disjunctively as necessary to include any information that might otherwise be construed outside the scope of these requests.
4. References to the masculine shall include the feminine, the singular shall include the plural, and vice versa.
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6. Each discovery answer should begin by restating the item requested.
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9. Please respond fully to the request even if it has been partially requested or supplied in prior filings or dockets. The information and Rule 33 and 34 information shall be submitted to this office at 2nd Floor, Cordell Hull Building, 425 5th Avenue North, Nashville, TN 37243-0500. If there is a need for clarification of any attached request, please contact me at

(615) 741-8700 before furnishing the response.

### Rule 36. Requests for Admission.

36.01 Request for Admission. A party may serve upon any other party a written request for the admission, for purposes of the pending action only, of the truth of any matters within the scope of Rule 26.02 set forth in the request that relate to statements or opinions of fact or of the application of law to fact, including the genuineness of any documents described in the request. Copies of documents shall be served with the request unless they have been or are otherwise furnished or made available for inspection and copying. The request may, without leave of court, be served upon the plaintiff after commencement of the action and upon any other party with or after service of the summons and complaint upon that party.

The matter is admitted unless, within 30 days after service of the request, or within such shorter or longer time as the court may allow. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify an answer or deny only a part of the matter of which an admission is requested, *the party shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless the party states that he or she has made reasonable inquiry and that the information known or readily obtainable by the party is insufficient to enable the party to admit or deny.* A party who considers that a matter of which an admission has been requested presents a genuine issue for trial may not, on that ground alone, object to the request; the party may, subject to the provisions of Rule 37.03, deny the matter or set forth reasons why the party cannot admit or deny it.

### Requests to Admit or Deny, Interrogatories and Requests for Production

1. If BellSouth does not believe its purchases of the accounts receivables of clearinghouses or IXC's come within the Uniform Commercial Code of Tennessee, Tenn. Code Ann. § 47-1-101 et seq. please provide each and every basis for the belief, including but not limited to statutes and case law.
2. If BellSouth does not believe its purchases of the accounts receivables of clearinghouses or IXC's come within Federal Trade Commission rule 16 C.F.R § 433 and 16 C.F.R. § 433.2 please provide each and every basis for the belief, including but not limited to statutes and case law.
3. For each and every contract entered into by BellSouth for accounts purchased in Tennessee, please describe in detail the method(s) BellSouth uses to notify the end user consumer that it has purchased the right to receipt of payment for the end user's account.

4. For each and every contract entered into by BellSouth for the purchase of accounts in Tennessee, please state whether BellSouth notifies the end user consumer that the end user consumer has the right to maintain any defenses against BellSouth that he would have against the seller of the account.
5. If BellSouth contends that Tennessee consumers entered into a principal/agent relationship with any IXC or clearinghouse from whom BellSouth purchases accounts which permit the IXC, CLEC or clearinghouse to create an independent liability between the consumer and any third party, please produce the principal/agent contract, tariff, statute or rule supporting BellSouth's contention.
6. Tennessee consumers contend that the average rate for basic local exchange services on and after June 6, 1995 were average rates which included "float" as defined by the Director Greer at the September 26, 2000 conference, if BellSouth disagrees with this contention please provide each and every fact, law or rule upon which BellSouth relies.
7. Assume the hypothetical that rates for basic local exchange services on June 6, 1995 included the working capital necessary to compensate BellSouth for late payments of customers taking advantage of "float", is it BellSouth's position that it would still be able to add a late payment charge to basic local exchange service if the company chose to do so?
8. Please produce copies of any and all proposed changes or modifications to BellSouth contracts for the purchase of accounts which BellSouth has suggested to the companies from whom it purchases accounts since June 1, 1999, and the reasons BellSouth sought to make those changes.
9. Please identify with particularity the specific language of any rule(s) promulgated in conformance with Tenn. Code Ann. § 65-4-125 through which BellSouth believes it is authorized to bill or charge the proposed late payment charge without the express prior authorization or order of any consumer.
10. BellSouth admits that the language of the proposed late payment tariff does not contain any provision for specific ordering or authorization by the consumer prior to the charge being applied.
11. BellSouth admits that the language of the proposed late payment tariff does not permit a consumer to actually contact customer service and order the late payment charge "service" prior to a charge being assessed to a consumers bill.
12. For each and every contract through which BellSouth purports to purchase the accounts of a CLEC please produce any and all copies of all documents wherein the CLEC disclosed to the end user the terms and conditions of BellSouth's contract with that

CLEC.

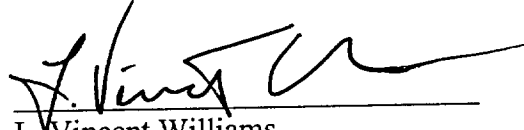
13. For each and every contract through which BellSouth purports to provide a bill processing service(s) to any CLEC or non-CLEC please produce any and all copies of all documents wherein the CLEC providing service to the end user discloses to the end user the terms and conditions of BellSouth's contract as those terms and conditions relate to bill processing service.
14. For each and every contract through which BellSouth purports to provide a bill processing service(s) or to purchase the accounts of any CLEC or non-CLEC, please produce any and all copies of all documents wherein the CLEC providing service to the end user discloses to the end user any terms and conditions which subjects that end user to BellSouth's deposit standards regarding service provided by the CLEC.
15. BellSouth admits that tariffs for basic local exchange services are relevant to the determination of the terms and conditions of service at a particular rate or charge.
16. Please produce a list in numerical order depicting each end user telephone number billed a late payment charge after June 6, 1995 and the amount of the charge, excluding private line tariff customers.
  - a. Please provide any and all information, documents, or taped conversations between BellSouth and the end user wherein the end user authorizes the late payment charge service.
17. If there have been or are likely to be incidents wherein the late payment charge as proposed in the tariff begins to apply to basic local exchange services before any "float" is actually provided by the late payment charge "telecommunications service," please describe why those incidents occur.
18. BellSouth admits that whether or not the late payment charge is applied purely as a charge or as a telecommunications service, the 3% charge would automatically be applied without a specific request or authorization by the consumer.
19. BellSouth admits that under tariff A2.4.3H, in effect on June 6, 1995, Tennessee consumers could extend payments on local basic exchange services up to 1 year without a late charge penalty of 3%.
20. BellSouth admits that under its proposed tariff, local basic exchange service consumers would no longer be able to extend payment on basic local exchange services for up to one year through tariff A2.4.3H without payment of a late charge penalty.
21. Please completely describe how the company implemented late payment arrangements

and made amount determinations on June 6, 1995.

22. Please state the interest rate in effect on June 6, 1995 for deferred payment agreements. (Tariff A2.4.3G).
23. If BellSouth changed its position from one in which the proposed late payment charge was not a service or now relies upon the interim decision that the proposed late payment charge is a service please describe how the service will operate, including but not limited to, how long the service will permit a consumer to continue to be served or provide "float," what types of reporting will be made to credit reporting agencies regarding the period the service is in effect and whether payment of the charge alone will permit the continuation of service and the particular language of the tariff pertaining to any operational features.
24. With respect to 209(e) please produce any and all documents and studies which show the amount which would be generated by the proposed tariff for local basic exchange service before any reduction due to lifeline and linkup exceptions.
25. Please state whether BellSouth's policy, presently or in the past, is to terminate, threaten to terminate, or infer impending termination of an end user's local basic exchange service when they do not pay as scheduled on accounts allegedly purchased by BellSouth.
26. Please provide any and all documents and scripts used in training and in current day to day customer service which pertain to customer payments which are or may be late and extended.
27. Please explain the manner and process for the allocation of partial payments to the amounts appearing on BellSouth's bill by classification of service.
28. Please identify all persons, by providing name, address and phone number, known to BellSouth, its attorney, or other agent who have knowledge, information or possess any document(s) or claim to have knowledge, information or possess any document(s) regarding the issues presently before the Authority in this matter.
29. Please produce each document, email, photograph, or any other article or thing whatsoever, which corroborates any part of BellSouth's claims in this matter, as to all issues, including, but not limited to, credibility or any other issue, or which is adverse to your contentions regarding the same.
30. Quote verbatim the provisions in the third-party billing arrangements which provide for accessing a late charge or prohibit same. For each provision so quoted provide the name and address of the company involved, the start date and expiration date of the contract or tariff involved, and any communications directed toward consumers evidencing notice of

these arrangements to consumers.

Respectfully Submitted,

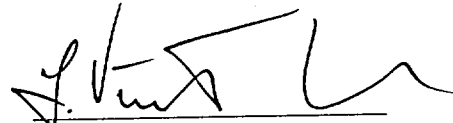


L. Vincent Williams  
Deputy Attorney General  
425 Fifth Ave., North, 2<sup>nd</sup> Floor  
Nashville, TN 37243  
615-741-8723  
B.P.R. No. 011189

Certificate of Service

I hereby certify that a true and correct copy of the foregoing Document has been mailed postage prepaid to the parties listed below this 6<sup>th</sup> day of December, 2000.

Patrick Turner, Esq.  
BellSouth Communications, Inc.  
333 Commerce St., Suite 2101  
Nashville, TN 37201-3300

  
L. Vincent Williams



BEFORE THE TENNESSEE REGULATORY AUTHORITY  
NASHVILLE, TN

APR 13 PM 1 08

CONSUMER ADVOCATE DIVISION )

v. )

BELLSOUTH TELECOMMUNICATIONS, )  
INC. )

DOCKET NO. 00-00641

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MOTION TO COMPEL, TO ISSUE SUBPOENAS, TAKE DEPOSITIONS, TO EFFECT  
DISCOVERY AND TO AUDIT, OR A MOTION IN LIMINE

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Comes the Consumer Advocate Division, on behalf of Tennessee consumers, and in accordance with the directions of the Hearing Officer and moves to compel answers by BellSouth, to issue subpoenas and to effect discovery of BellSouth in accordance with the Tennessee Rules of Civil Procedure, the Uniform Administrative Procedures Act and Title 65 of Tennessee Code Annotated. Alternatively, that the Hearing Officer should grant a Motion in Limine prohibiting BellSouth from introducing at the hearing any basis for its proposed late charge payments of which sufficient disclosure or notice is not provided in its answers to discovery. For cause the Consumer Advocate Division would show:

1. That the hearing officer in this case ordered the parties to respond to discovery by April 6, 2000 and to present Motions to Compel or for additional discovery by April 13, 2000.
2. That BellSouth's response to discovery was to object to every discovery request and provide only the information it deemed relevant.
3. That BellSouth's response to discovery and basis for not complying with the discovery requests of the Consumer Advocate Division is insufficient and contrary to the Rules of

Civil Procedure.

4. That BellSouth's insufficient discovery responses impair the exercise of due diligence, and are dilatory.
5. That the character of the information sought by the Consumer Advocate Division in this proceeding is relevant and material or likely to lead to the discovery of admissible evidence. [items 16, 23, 25, 26, 33(BellSouth objected to providing information so the answer is not complete), 34, 35, 37, 38, 40, 41, 42, 43, 44, 45].
6. That the Consumer Advocate Division has a substantial need for discovery of the materials to which BellSouth objected in the preparation of the case and that the Consumer Advocate Division is unable without undue hardship to obtain the materials by other means since the information is in the exclusive possession of BellSouth and a motion to compel should be granted. [items 16, 23, 25, 26, 33(BellSouth objected to providing information so the answer is not complete), 34, 35, 37, 38, 40, 41, 42, 43, 44, 45].
7. That the burden of deriving or ascertaining the information in BellSouth's possession is not the same for the Consumer Advocate Division as BellSouth, or that an audit by the Consumer Advocate Division in accordance with TRCP 33.03 is warranted and should be granted and a motion to compel should be granted. [items 2, 3, 16, 18, 23, 24, 25, 26, 33(BellSouth objected to providing information so the answer is not complete), 34, 35, 37, 38, 40, 41, 42, 43, 44, 45].
8. That subpoenas are warranted and a motion to compel should be granted so the Consumer Advocate Division can proceed with due diligence to identify any relevant or admissible

evidence or information which may lead to the identification of admissible or relevant evidence. [items 22, 23, 24, 25, 26, 33(BellSouth objected to providing information so the answer is not complete), 34, 35, 37, 38, 40, 41, 42, 43, 44, 45].

9. That the Consumer Advocate Division has not sought the mental impressions or work product of BellSouth's attorneys, but that the Consumer Advocate Division has a right to acquire information from the same persons providing information to BellSouth and that a subpoena is necessary to permit due diligence by the Consumer Advocate Division.  
[items 10, 22, 23, 24 ]
  10. That the persons that the Consumer Advocate Division seeks to depose are BellSouth's designated representative and the persons identified by BellSouth in item 11.
  11. That BellSouth's responses provide no assurance that any information it actually produces is all of the information on the subject requested in the data request.
  12. That BellSouth responses often do not answer the question asked.
  13. That due diligence requires that counsel conduct such discovery as is sufficient to address the entirety of any issues presented in a case and the discovery permitted by the hearing officer and the responses of BellSouth have not satisfied the due diligence requirements of Tennessee consumers or counsel for Tennessee consumers.
  14. That a decision which does not grant the motions made herein unfairly prejudices Tennessee consumers and the Consumer Advocate Division and prevents substantive and procedural due process.
  15. That the failure of BellSouth to respond adversely affects the procedural schedule.
- Wherefore Tennessee consumers and the Consumer Advocate Division pray that the

Hearing Officer grant the Motion to Compel, to Issue Subpoenas, Take Depositions, to Effect Discovery and to Audit, or Motion in Limine and reconsider the procedural schedule.

Respectfully submitted,

L. Vincent Williams

L. Vincent Williams  
Deputy Attorney General - Consumer Advocate  
Consumer Advocate Division  
425 5<sup>th</sup> Avenue, North  
Nashville, TN 37243  
(615) 741-8723  
BPR. No. 011189

by Vance  
Brewer

Certificate of Service

I hereby certify that a true and correct copy of the foregoing Motion to Compel, to Issue Subpoenas, Take Depositions, to Effect Discovery and to Audit or a Motion in Limine has been mailed postage prepaid to the parties listed below this 13<sup>th</sup> day of April, 2000.

Guy Hicks, Esq.  
Patrick Turner, Esq.  
BellSouth Telecommunications, Inc.  
333 Commerce St., Suite 2101  
Nashville, TN 37201-3300

David Waddell, Esq.  
Executive Secretary  
Tennessee Regulatory Authority  
460 James Robertson Parkway  
Nashville, TN 37243-0505

L. Vincent Williams

L. Vincent Williams

by Vance  
Brewer

BEFORE THE TENNESSEE REGULATORY AUTHORITY  
AT NASHVILLE

NOV 13 10 11 36

EXHIBIT

IN RE: PETITION OF BELL SOUTH TO  
IMPLEMENT NEW AND INCREASE  
EXISTING LATE PAYMENT CHARGES

Docket No. 00-00041

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DISCOVERY REQUESTS TO BELL SOUTH TELECOMMUNICATIONS


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Comes Paul G. Summers, the Attorney General & Reporter, through the Consumer Advocate and Protection Division of the Office of Attorney General, in the public interest, and propounds the following discovery requests by incorporating by reference the discovery requests filed on October 3, 2000, with the exception of the deposition notice to Patrick Turner. In addition the Attorney General propounds the following Interrogatory:

Quote verbatim the provisions in the third-party billing arrangements which provide for accessing a late charge or prohibit same. For each provision so quoted provide the name and address of the company involved, the start date and expiration date of the contract or tariff involved, and any communications directed toward consumers evidencing notice of these arrangements to consumers.

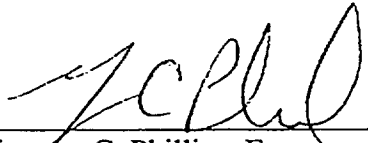
Respectfully submitted,

PAUL G. SUMMERS, 6285  
Attorney General & Reporter

  
\_\_\_\_\_  
TIMOTHY C. PHILLIPS, 12751  
VANCE L. BROEMEL, 11421  
Assistant Attorney General  
Office of the Attorney General & Reporter  
Consumer Advocate and Protection Division  
425 5th Avenue North, 2<sup>nd</sup> Floor  
Nashville, Tennessee 37243  
(615) 741-3533

CERTIFICATE OF SERVICE

The undersigned hereby certifies that an exact copy of the foregoing document was served via facsimile transmittal and mailed, postage prepaid, to Guy Hicks, Esq., BellSouth Telecommunications Co., 333 Commerce Street, Suite 2101, Nashville, TN 37201-3300, on November 16, 2000.

  
\_\_\_\_\_  
Timothy C. Phillips, Esq.

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BEFORE THE TENNESSEE REGULATORY AUTHORITY  
AT NASHVILLE, TENNESSEE

FEB 22 10 4 00

BELLSOUTH TELECOMMUNICATIONS, )  
INC. TARIFF FILING TO INTRODUCE )  
LATE PAYMENT CHARGES )  
)  
)

Docket No. 00-00041

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DISCOVERY REQUEST TO BELLSOUTH TELECOMMUNICATIONS

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To: BellSouth Telecommunications  
c/o Patrick Turner, Esq.  
333 Commerce St., Suite 2101  
Nashville, TN 37201-3300

Please reply to the discovery requests provided herein by: 1) answering under oath these discovery requests and serving your answers upon Consumer Advocate L. Vincent Williams or his designee at 2nd Floor, Cordell Hull Building, 425 5th Avenue North, Nashville, TN 37243; and 2) providing clear copies of the documents and things specified herein. The answer to each item should begin with the restatement of the question and should conclude with the signature and title of the person(s) responsible for answering that particular question.

Please be aware that this discovery is continuing in nature and requires the party from whom discovery is sought to provide supplemental responses if additional or different information is obtained or as may be necessary from time to time to provide the Consumer Advocate with a full, complete and current answer or response until the hearing in this docket.

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3. The terms "and" and "or" shall be construed conjunctively or disjunctively as necessary to include any information that might otherwise be construed outside the scope of these requests.

4. References to the masculine shall include the feminine, the singular shall include the plural, and vice versa.

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The matter is admitted unless, within 30 days after service of the request, or within such shorter or longer time as the court may allow. If objection is made, the reasons therefor shall be stated. The answer shall specifically deny the matter or set forth in detail the reasons why the answering party cannot truthfully admit or deny the matter. A denial shall fairly meet the substance of the requested admission, and when good faith requires that a party qualify an answer or deny only a part of the matter of which an admission is requested, *the party shall specify so much of it as is true and qualify or deny the remainder. An answering party may not give lack of information or knowledge as a reason for failure to admit or deny unless the party states that he or she has made reasonable inquiry and that the information known or readily obtainable by the party is insufficient to enable the party to admit or deny.* A party who considers that a matter of which an admission has been requested presents a genuine issue for trial may not, on that ground alone, object to the request; the party may, subject to the provisions of Rule 37.03, deny the matter or set forth reasons why the party cannot admit or deny it.

#### Requests to Admit or Deny, Interrogatories and Requests for Production

1. Please state the average number of Residential and Business customers who, during an average month, pay their telephone bills late.
2. Please state the average number of customers, who during an average month, make partial payments to BellSouth which equal or exceed the amount owed BellSouth for its provision of local basic exchange service to the customer?
3. Please state the average number of customers who during an average month make partial payments to BellSouth which equal or exceed the amount owed BellSouth for its provision of intrastate service to the customer?

#### REQUEST FOR PRODUCTION

4. Please produce all information used to support BellSouth's statement's of the average number of Residential and Business customers who pay their telephone bill late

conclusions.

5. Please state the average Tennessee monthly (or total annual) revenue, minus any late payment charges, collected after BellSouth's stated due date from:

Residential Customers  
State Government agencies  
County Government agencies  
City Government agencies  
Public Educational Schools and Institutions  
Federal Government agencies  
Other Business Customers  
All Tennessee Customers

6. Please produce all workpapers and source documents which pertain to the average monthly (or total annual) revenues collected late from Tennessee Residential Customers, State Government agencies, County Government agencies, City Government agencies, public educational institutions, Federal Government agencies, and all other Tennessee customers with business rates, other than governmental customers.

#### REQUEST FOR PRODUCTION

7. Please produce for inspection and copying all calculations of the estimated annual Tennessee late payment charge revenue that would be collected as the result of the implementation of the proposed late payment charge from:
- a.) Residential customers
  - b.) Governmental agencies
    - 1. Federal
    - 2. County
    - 3. City
  - c.) Other Business Customers
  - d.) The total of all classes of Tennessee Customers.
8. Please produce any and all calculations of the estimated annual Tennessee late payment charge revenue that would be collected as the result of applying the proposed late payment charge to:
- a.) Revenues billed by BellSouth Telecommunications Tennessee on behalf of other nonaffiliated entities. (for example bills for interexchange carriers)

b.) Revenue billed by BellSouth Telecommunications Tennessee on behalf of affiliated or related entities.( BellSouth Publishing, BellSouth Internet Service, etc.)

c.) Revenue billed by BellSouth Telecommunications Tennessee for Local service and for vertical services.

d.) Revenue billed by BellSouth Telecommunications Tennessee for BellSouth IntraLATA Toll.

e.) Total revenue billed by BellSouth Telecommunications to total of all Tennessee consumers.

(Please produce detailed workpapers.)

9. Please state the annual discounts provided to BellSouth Telecommunications Tennessee's customers who pay for local service:

a.) in advance of the provision of service, and

b.) in advance of the due date.

10. For each and every allegation made by the Consumer Advocate Division in its complaint or Petition to Intervene and denied by BellSouth, please state and explain each and every ground and reason for the denial.

11. Please identify each and every person who provides answers to each discovery request.

#### **REQUEST FOR PRODUCTION**

12. Please produce any and all studies and samples of customer payment patterns made by or on behalf of BellSouth from June 1995 to the present, including but not limited to, statistical studies and samples.

13. Please produce any and all criticism(s) and comments of any and all studies of customer payment patterns in BellSouth's possession or of which it has knowledge?

14. What is the current revenue lead lag amount required (working capital required due to the lag between the date service is provided and the date of collection )by customer class and in total?(Please produce detailed workpapers which reference the information sought.)

15. Please state the 1999 revenue, by basic and non-basic pursuant to T.C.A. § 65-5-208 and

in total, that BellSouth bills Tennessee customers in advance of providing service and the applicable late charges by revenue category.

16. Please state the amount of that portion of BellSouth's aggregate revenues arising solely from, or is allocated from its aggregate revenues for any and all things or items BellSouth regards as "charges" as of December 31, 1998 and December 31, 1999.
17. Please produce any and all references to late payments in any and all tariffs in all states served by BellSouth as of December 31, 1999.
18. Identify the average number of days between the average date local service is provided (middle of the billing cycle) and the date on which the customers' bills are paid. (Please produce detailed workpapers which reference the information sought.)
19. Identify the number of days between the average date local service is provided (middle of the billing cycle) and the date on which the late payment charge will apply. (Please provide detailed workpapers.)
20. Identify the number of days between the average date that bills are mailed to the customer and the date that the late payment charge will apply. (Please provide detailed workpapers.)
21. Please produce copies of any and all account receivable analysis that identify the amounts of BellSouth Telecommunications, Inc.'s Tennessee customer accounts receivable that are:
  - More than 30 but less than 60 days past due
  - More than 60 but less than 90 days past due
  - More than 90 days past due
22. Please produce any and all documents created, used, or considered by any BellSouth personnel or BellSouth consultants which suggest, evaluate or recommend increasing payments for services associated with local basic exchange services, benefits, or thing currently provided to BellSouth consumers.
23. Please produce for inspection and copying any and all workpapers, studies or suggestions for offsetting any and all revenue reductions made by BellSouth.
24. Please produce for inspection and copying any and all calculations, workpapers (cite source documents) and provide explanations of the annual tracking, administering, collecting, and other costs incurred by BellSouth as the result of BellSouth's Tennessee Customers of paying their bills late.

25. Please state each and every fact which supports BellSouth's statement that its proposed charges for late payments are not payments associated with the provision of telecommunications service?
26. Please state the economic or financial value of each and every service, benefits, or thing provided by BellSouth to local basic exchange service customers on June 6, 1995 without an additional rate or charge.
  - a.) Please state the economic cost and financial value of each and every service, benefit, or thing provided to BellSouth basic service customers without additional charge to the customer on June 6, 1995.
  - b.) Please state the economic cost and financial value of each and every service, benefit, or thing provided to BellSouth basic service customers with a fixed additional charge to the customer on June 6, 1995.
  - c.) For "a" and "b" above please state the economic cost and financial value as of December 1, 1998.
27. What lead lag studies have been performed on behalf of BellSouth for regulated services in its region since 1990?
28. Please produce for inspection and copying each and every lead lag study performed on behalf of BellSouth since 1990. The study should include all workpapers.
29. Provide a copy of the lead lag study("ies") that were used to determine or otherwise compute the working capital component of the rate base in Tennessee Public Service Commission Docket 90-05953 and Tennessee Public Service Commission Docket 92-13527.
30. What was the revenue lead lag amount (working capital required due to the lag between the date service was provided and the date of collection ) that was included in the rate base of the most recent order establishing BellSouth's Tennessee intrastate rates prior to June 6, 1995. Provide detailed workpapers and supporting documents.
31. Please produce for inspection and copying any and all contracts made with other telecommunications companies or organizations for whom BellSouth bills Tennessee consumers.
32. Please produce for inspection and copying any and all contracts BellSouth had with other entities or persons for whom BellSouth billed and which were in effect on the date BellSouth filed its proposed late charge tariff with the Tennessee Regulatory Authority.

33. Please produce for inspection and copying any and all documents, as defined in the preamble to these discovery requests, which BellSouth prepared or considered with respect to seeking any late payment charge tariff in Tennessee. This interrogatory is intended to have BellSouth produce any and all documents and communications, electronic or otherwise, which any BellSouth employee produced, saw, or read from the idea stage to the present which relates to seeking or proposing any late charge tariff for Tennessee. If a portion of the information has been provided in response to other requests for production, the provided information does not need to be produced again.
34. Please produce for inspection and copying any and all documents, as defined in the preamble to these discovery requests, which BellSouth prepared or considered with respect to seeking any late payment charge tariff in any other locale in its region since 1990. This interrogatory is intended to have BellSouth produce any and all documents and communications, electronic or otherwise, which any BellSouth employee produced, saw, or read from the idea stage to the present which relates to seeking or proposing any late charge tariff other than Tennessee. If a portion of the information has been provided in response to other requests for production, the provided information does not need to be produced again.
35. As a hypothetical question, assume that BellSouth's aggregate revenues and its initial rates in Tennessee on either December 1, 1999 or December 9, 1999 encompassed any and all costs and effects on the company due to customer late payments and were deemed just, reasonable and affordable. Assuming that the preceding hypothetical is true, please state each and every reason that BellSouth's aggregate revenues, as of the date it filed the proposal in this case, were less than just, reasonable and affordable?
36. Provide a detailed example and explanation of the method BellSouth uses to compute uncollectible amounts that are recorded as a operating expense (Aging of account receivable, percentage of credit sales method, direct write off method, etc.). Identify all factors used and explain the procedure used to determine such factors.
37. Please produce any and all information received or considered by BellSouth from companies in the southeastern United States with "comparable" credit granting policies and state the facts that make them reasonable.
38. Please produce for inspection and copying any and all calculations and workpapers used in computing the annual discounts provided to Tennessee consumers who pay their bills in advance of the due date.
39. Please state the amount of that portion of BellSouth's aggregate revenues arising solely from charges that BellSouth bills for other companies as of December 31, 1998 and December 31, 1999 and identify the amount of late charges billed by the other companies

to BellSouth's customers through BellSouth bills.

40. When BellSouth bills on behalf of another company, please state BellSouth's payment to the other company as a percentage of the total dollars billed on behalf of the other company and provide the estimated late charges that BellSouth would collect on behalf of the other company.

### REQUESTS TO ADMIT

41. BellSouth admits that its aggregate revenues on June 6, 1995 and December 1, 1998 included the revenues associated with "charges?"
42. BellSouth admits that it does not purchase, from other telecommunications service providers, all of the accounts for which it bills?
43. BellSouth admits that rates and charges for utility services do not exist in isolation?
44. BellSouth admits that rates have meaning only when one knows the services, benefits or things to which the rates are attached?
45. BellSouth admits that before it applied for price regulation, during its application for price regulation, and after its application for price regulation that the rates it charged had and have meaning only when one knows the services, benefits or things to which the rates are attached?

Respectfully Submitted,

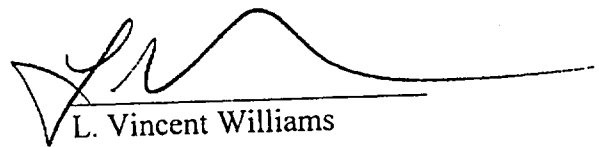


L. Vincent Williams  
Deputy Attorney General-Consumer Advocate  
Consumer Advocate Division  
425 Fifth Ave., North, Second Fl.  
Nashville, TN 37243  
615-741-8723  
B.P.R. No. 011189

Certificate of Service

I hereby certify that a true and correct copy of the foregoing Document has been mailed postage prepaid to the parties listed below this 22<sup>nd</sup> day of March, 2000.

Patrick Turner, Esq.  
BellSouth Communications, Inc.  
333 Commerce St., Suite 2101  
Nashville, TN 37201-3300



L. Vincent Williams



BellSouth Telecommunications, Inc.  
TN Docket 00-00041  
CAD's First Interrogatories  
March 22, 2000  
General Objections  
Page 1

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1. BellSouth objects to each Request to the extent that it purports to impose upon it any obligations more onerous or far reaching than those provided for in the Tennessee Rules of Civil Procedure or any other applicable statute, rule, or regulation.

2. BellSouth objects to each Request to the extent it would require BellSouth to reveal information or documents that are protected from disclosure by the attorney-client privilege, the work-product doctrine, or any other applicable privilege. 26.02(3).

3. BellSouth objects to each Request to the extent that it is not addressed to the tariff under consideration for approval in this docket.

4. BellSouth objects to each Request to the extent that it would require BellSouth to create or produce a document it does not maintain in the ordinary course of business.

BellSouth Telecommunications, Inc.  
TN Docket 00-00041  
CAD's First Interrogatories  
March 22, 2000  
Item No. 2  
Page 1

**REQUEST:** Please state the average number of customers, who during an average month, make partial payments to BellSouth which equal or exceed the amount owed BellSouth for its provision of local basic exchange service to the customer?

**RESPONSE:** BellSouth objects to this Request on the grounds that it is irrelevant and that the information sought does not appear reasonably calculated to lead to the discovery of admissible evidence. BellSouth also objects to this Request on the grounds that it is vague and overly broad and that responding to it would be unduly burdensome. Without waiving these objections, BellSouth responds that it does not, in the ordinary course of its business, maintain documents that provide the information requested at the level of detail set forth in this Request.

BellSouth Telecommunications, Inc.  
TN Docket 00-00041  
CAD's First Interrogatories  
March 22, 2000  
Item No. 3  
Page 1

**REQUEST:** Please state the average number of customers who during an average month make partial payments to BellSouth which equal or exceed the amount owed BellSouth for its provision of intrastate service to the customer?

**RESPONSE:** BellSouth objects to this Request on the grounds that it is irrelevant and that the information sought does not appear reasonably calculated to lead to the discovery of admissible evidence. BellSouth also objects to this Request on the grounds that it is vague and overly broad and that responding to it would be unduly burdensome. Without waiving these objections, BellSouth responds that it does not, in the ordinary course of its business, maintain documents that provide the information requested at the level of detail set forth in this Request.

**REQUEST:** Please produce any and all calculations of the estimated annual Tennessee late payment charge revenue that would be collected as the result of applying the proposed late payment charge to:

- a.) Revenues billed by BellSouth Telecommunications Tennessee on behalf of other nonaffiliated entities. (for example bills for interexchange carriers)
- b.) Revenue billed by BellSouth Telecommunications Tennessee on behalf of affiliated or related entities. (BellSouth Publishing, BellSouth Internet Service, etc.)
- c.) Revenue billed by BellSouth Telecommunications Tennessee for local service and for vertical services.
- d.) Revenue billed by BellSouth Telecommunications Tennessee for BellSouth IntraLATA Toll.
- e.) Total revenue billed by BellSouth Telecommunications to total of all Tennessee consumers.

(Please produce detailed workpapers.)

**RESPONSE:** BellSouth objects to this Request on the grounds that it is irrelevant and that the information sought does not appear reasonably calculated to lead to the discovery of admissible evidence. BellSouth also objects to this Request on the grounds that it is vague and overly broad and that responding to it would be unduly burdensome. Without waiving these objections, please see the response to request No. 7.

BellSouth Telecommunications, Inc.  
TN Docket 00-00041  
CAD's Request for Production  
March 22, 2000  
Item No. 10  
Page 1

**REQUEST:** For each and every allegation made by the Consumer Advocate Division in its complaint or Petition to Intervene and denied by BellSouth, please state and explain each and every ground and reason for the denial.

**RESPONSE:** BellSouth objects to this Request to the extent that it seeks the mental impressions or work product of its attorneys. Without waiving these objections, the allegations of the Complaint that BellSouth denies are primarily legal or policy arguments propounded by that CAD. BellSouth disagrees with these legal or policy arguments and, therefore, denied these allegations. The basis of BellSouth's disagreement is set forth throughout the several defenses it raises in its Answer.

BellSouth Telecommunications, Inc.  
TN Docket 00-00041  
CAD's Request for Production  
March 22, 2000  
Item No. 11  
Page 1

REQUEST: Please identify each and every person who provides answers to each discovery request.

RESPONSE: Chet Parker-Manager Pricing Strategy	Barry Danz-Manager Credit & Collection Management
Bruce Liles-Product Manager Consumer	Andy Nolen-Manager BellSouth Small Business
Tom Lohman-Sr. Director Pricing Strategy	Daonne Caldwell-Director Finance
Ann Pierce-Manager Regulatory Consumer	Wanda Yow-Manager Revenue Management and Tariff Support

BellSouth Telecommunications, Inc.  
TN Docket 00-00041  
CAD's Request for Production  
March 22, 2000  
Item No. 12  
Page 1

**REQUEST:** Please produce any and all studies and samples of customer payment patterns made by or on behalf of BellSouth from June 1995 to the present, including but not limited to, statistical studies and samples.

**RESPONSE:** BellSouth objects to this Request on the grounds that it is irrelevant and that the information sought does not appear reasonably calculated to lead to the discovery of admissible evidence. BellSouth also objects to this Request on the grounds that it is vague and overly broad and that responding to it would be unduly burdensome. Without waiving these objections, please see responses to Item Nos. 5 and 21.

BellSouth Telecommunications, Inc.  
TN Docket 00-00041  
CAD's Request for Production  
March 22, 2000  
Item No. 13  
Page 1

REQUEST: Please produce any and all criticism(s) and comments of any and all studies of customer payment patterns in BellSouth's possession or of which it has knowledge?

RESPONSE: BellSouth objects to this Request on the grounds that it is irrelevant and that the information sought does not appear reasonably calculated to lead to the discovery of admissible evidence. BellSouth also objects to this Request on the grounds that it is vague and overly broad and that responding to it would be unduly burdensome. Without waiving these objections, BellSouth responds that is unaware of any such documents.



BellSouth Telecommunications, Inc.  
TN Docket 00-00041  
CAD's Request for Production  
March 22, 2000  
Item No. 16  
Page 1

REQUEST: Please state the amount of that portion of BellSouth's aggregate revenues arising solely from, or is allocated from its aggregate revenues for any and all things or items BellSouth regards as "charges" as of December 31, 1998 and December 31, 1999.

RESPONSE: BellSouth objects to this Request on the grounds that it is irrelevant and that the information sought does not appear reasonably calculated to lead to the discovery of admissible evidence. BellSouth also objects to this Request on the grounds that it is vague and overly broad and that responding to it would be unduly burdensome.

BellSouth Telecommunications, Inc.  
TN Docket 00-00041  
CAD's Request for Production  
March 22, 2000  
Item No. 17  
Page 1

REQUEST: Please produce any and all references to late payments in any and all tariffs in all states served by BellSouth as of December 31, 1999.

RESPONSE: BellSouth objects to this request to the extent that it refers to any tariffs other than BellSouth tariffs filed with and approved by the Tennessee Regulatory Authority or its predecessor, the Tennessee Public Service Commission, on the grounds that: it is irrelevant and the information sought does not appear reasonably calculated to lead to the discovery of admissible evidence; and it is vague and overly broad and that responding to it would be unduly burdensome. BellSouth also objects to this request on the grounds that the information addressed by this request is a matter of public record and is as readily available to the CAD as it is to BellSouth from other sources that are more convenient, less burdensome, or less expensive. This sources include, without limitation, the Internet at the web site <http://cpr.bst.bellsouth.com>. Without waiving these objections, please see the attached list of BellSouth tariff references to late payment charges.